

MAJOR DONOR COMMITTEES AND CITY BALLOT MEASURES

A Basic Guide to Campaign Disclosure Statements for Those Who Do Not Receive Contributions, and Make Monetary or Non-Monetary Political Contributions of \$10,000 or More in a Year

WHAT MAKES ME A MAJOR DONOR COMMITTEE?

According to state law, you are a 'major donor committee' if:

- a) you are an individual or an entity;
- b) you do not receive contributions; and
- c) you make monetary or non-monetary contributions (including loans) to state or local officeholders, candidates, and committees totaling \$10,000 or more in a calendar year. (see Caveat)

CAVEAT

This information is intended to cover major donor contributions to City ballot measure campaigns only. Local law prohibits or severely restricts contributions to candidates. Contributions to candidates are allowed from individuals only, and only up to \$250 per candidate per election.

NOTE: Certain combinations of individuals and entities may qualify as a single major donor committee. Contact the City Clerk's Office or the Fair Political Practices Commission for more information.

WHAT TYPE OF MAJOR DONOR COMMITTEE AM I?

There are three types of major donor committees: state, county and city.

State major donor committees make contributions to support or oppose state candidates or state measures, or any number of candidates or measures being voted on in more than one county.

County major donor committees make contributions to support or oppose candidates or measures being voted on in a single county election, or in any number of jurisdictions wholly within a single county.

City major donor committees make contributions to support or oppose measures being voted on in a single city (see Caveat).

WHAT ARE MY CAMPAIGN DISCLOSURE REQUIREMENTS?

State law requires that campaign disclosure reports provide the public with the identity of contributors and the amounts they contribute. Depending upon the type of committee you are (state, county or city) and the timing of your contributions, you may be required to file several kinds of campaign disclosure reports.

Semi-annual statements: Once you've qualified as a major donor committee of any type, you must file a semi-annual statement for each half of the year during which you make any contributions, including payments to slate mailer organizations. Semi-annual statements for the period ending June 30 are due July 31; statements for the period ending December 31 are due January 31. Use Form 461, "Independent Expenditure Committee and Major Donor Committee Statement."

Pre-election statements: During a 6-month period in which no city election is held, a city major donor committee is not required to file regular pre-election statements. However, during a 6-month period in which the city election is held, a city major donor committee **may** be required to file two pre-election statements, *if the committee makes contributions that total \$500 or more during the period the statement covers*. Check with the City Clerk's Office for the reporting periods and filing deadlines in this case. You will use Form 461 and/or 465.

Other statements: Depending upon the level and timing of your contribution activity, there are a number of additional reports you may be required to make.

(a) If you make an independent expenditure* of \$1,000 or more in a calendar year to support or oppose a measure, or the qualification of a measure, you must file a Form 465 **in addition to** any other campaign statements required.

(b) If you make a "late independent expenditure*" that totals \$1,000 or more supporting or opposing a single measure during the 16 days immediately preceding the pertinent election, you must file Form 496 within 24 hours of the time the independent expenditure is made. You must file via telegram, guaranteed overnight delivery service, personal delivery or fax. You may NOT file this report by mail.

An independent expenditure is, in part, an expenditure made in connection with a communication that expressly advocates the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election **but which is not made to or at the behest of the affected committee.*

(c) If you make a "late contribution" totaling \$1,000 or more during the 16 days immediately preceding the pertinent election, to a committee involved in that election, you must file Form 497.

We urge you to refer to the Fair Political Practices Commission's "Information Manual E" for more information and instructions. It's available from the City Clerk's Office.

WHICH FORM DO I USE, AND FOR WHAT PURPOSE?

The following forms are used by major donor committees to report campaign activity:

Form 461, "Independent Expenditure Committee and Major Donor Committee Statement" - to file semi-annual and pre-election statements.

Form 465, "Supplemental Independent Expenditure Report" - to report independent

expenditures totaling \$1,000 or more to support or oppose a single candidate (*see Caveat*), a single measure, or the qualification of a single measure.

Form 496, “Late Independent Expenditure Report” - to report independent expenditures totaling \$1,000 or more to support or oppose a single candidate (*see Caveat*) or measure during the 16 days immediately preceding an election in which the candidate or measure is being voted on.

Form 497, “Late Contribution Report” - to report contributions totaling \$1,000 or more to a candidate, measure or a committee primarily formed to support or oppose a candidate (*see Caveat*) or measure during the 16 days immediately preceding an election in which the candidate or measure is being voted on.

These forms are available from the City Clerk’s Office, or on-line at www.fppc.ca.gov.

The City of San Diego’s Election Campaign Control Ordinance is found in the San Diego Municipal Code, Chapter 2, Article 7, Division 29.

WHERE DO I HAVE TO FILE?

The type of major donor committee you are determines where you should file your campaign disclosure statements.

NOTE: A state committee that *also* makes contributions related to city or county elections is not required to file reports as a city or county major donor. However, If a committee is initially required to file as a city or county committee, and later during the same year qualifies as another type of committee (e.g., a city committee becomes a county or a state committee), it must continue to file copies of its campaign statements in the original city or county and in the other locations it is required to file until the end of the calendar year.

HOW LONG MUST I REPORT?

Major donor committees automatically terminate on December 31 and must requalify as a committee before they are required to file campaign statements in a subsequent year.

WHAT ELSE SHOULD I KNOW?

This brochure is a very basic guide only. You should become familiar with the applicable provisions of the Political Reform Act of 1974 as amended, and the San Diego Municipal Code.

You should also be aware that significant fines may be involved if you fail to file a required campaign disclosure statement, or file late.

WHERE DO I GO FOR HELP?

The City Clerk’s Office can help with technical questions. However, we are **not** attorneys and cannot provide legal advice.

We urge you to contact the Fair Political Practices Commission (FPPC) at 1-866-275-3772 (toll-free) for more information.